

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION  
www.flmb.uscourts.gov**

**In re:**

**CASE NO.: 3:18-bk-01164-JAF  
CHAPTER 11**

**EIHAB H. TAWFIK, M.D., P.A.,**

**Emergency Hearing Requested on or before  
Friday, April 13, 2018**

**Debtor.**

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**DEBTOR'S EMERGENCY MOTION FOR AUTHORITY  
TO PAY OFFICER AFFILIATE SALARIES  
AND REQUEST FOR EMERGENCY PRELIMINARY HEARING**

EIHAB H. TAWFIK, M.D., P.A., a Florida corporation (the "Debtor"), by and through its undersigned counsel, moves pursuant to 11 U.S.C. §§ 105(a), 363(b), 507(a) and Local Rule 2081(f)(6) for authority to pay officer affiliate salaries (the "Motion"), and requests an emergency preliminary hearing **on or before April 13, 2018** to consider the relief requested herein. In support of the Motion, Debtor states as follows:

**Jurisdiction, Venue and Procedural History**

1. On April 11, 2018 (the "Petition Date"), the Debtor filed its petition for relief under Chapter 11 of Title 11 of the United States Code ("Code"). No trustee has been appointed and the Debtor continues to operate its business and manage its property as a debtor-in-possession under §§ 1107 and 1108 of the Code.

2. Debtor owns and operates medical clinics in five locations in the Central Florida area. Those locations are located in Crystal River (2 locations), Celebration, Ocala, and Spring Hill. The clinics provide patients with services including, but not limited to, internal medicine,

urgent care, cardiology, diabetes treatment, podiatry, full imaging services and pain management.

3. Additional background information relating to the Debtor, including its current and historical business operations and the events precipitating its chapter 11 filing, is set forth in detail in Debtor's Case Management Summary, filed concurrently with this Motion and incorporated herein by reference.

**Description of Debtor's Business and Officer's Duties and Salary**

4. As of the Petition Date, the Debtor employs (31) salaried employees, which includes Eihab H. Tawfik (Director/President and 100.00% shareholder) (the "Officer Affiliate"). The Officer Affiliate has been, and remains, responsible for all strategic decisions of the Debtor, including its financial, operational and management needs.

5. Due to the important role he occupies with the Debtor, the Officer Affiliate is vital to Debtor's successful reorganization.

**Officer Compensation**

6. In the immediate twelve months (12) months prior to the Petition Date, the Officer Affiliate received a salary from the Debtor in the amount listed below:

<b><u>Officer</u></b>	<b><u>Title</u></b>	<b><u>Approximate 12 Month Compensation</u></b>
Eihab H. Tawfik	Director/President	\$105,000.00 (Gross Amount Prior to federal withholding and payroll taxes)

**Relief Requested**

7. Debtor seeks authority to continue to pay the Officer Affiliate his current 2018 salary as compensation for his services to the Debtor. The salary earned by the Officer Affiliate is scheduled to be paid in the ordinary course of business on April 13, 2018 and will be paid bi-weekly thereafter.

8. The compensation paid to the Officer Affiliate is his only source of active income, which is necessary to support his family and to maintain health insurance coverage. It is believed that the compensation structure for the Officer Affiliate is in line with the marketplace based on the respective functions performed and based on medical practices with \$7,000,000 in gross annual revenue.

9. Without the Officer Affiliate's work on behalf of the Debtor, there would be no business to reorganize. His continued service, and the Debtor's ability to compensate the Officer Affiliate, is therefore necessary to an effective reorganization. Furthermore, compensation to the Officer Affiliate will only be paid after all other operating expenses have been paid, and if insufficient funds are available to make such payments, no payments will be made and unpaid amounts will not accrue.

10. It is respectfully submitted that the compensation of the Officer Affiliate as set forth in this motion is reasonable in light of the compensation received prior to the bankruptcy filing, the services rendered as compared to similar services in the marketplace, and the nature of the duties being performed by the Officer Affiliate.

**WHEREFORE**, the Debtor respectfully requests this Court enter an order authorizing it to pay the Officer Affiliate his salary for post-petition services rendered, and for such other and further relief as the Court deems appropriate.

**RESPECTFULLY SUBMITTED** this 12th day of April, 2018.

/s/ Justin M. Luna, Esq.

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EIHAB H. TAWFIK, M.D., P.A.,

Debtor.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the Debtor's **DEBTOR'S EMERGENCY MOTION FOR AUTHORITY TO OFFICER AFFILIATE SALARIES** has been furnished either electronically or by facsimile and by U.S. First Class, postage prepaid mail to: **Eihab H. Tawfik, M.D., P.A.**, c/o Eihab H. Tawfik, 7394 West Gulf to Lake Highway, Crystal River, Florida 34429; Central Bank, c/o Megan W. Murray, Esq., 101 E. Kennedy Blvd., Suite 1700, Tampa, Florida 33602; all creditors as shown on the matrix attached hereto, and the U.S. Trustee, 400 W. Washington Street, Suite 1100, Orlando, Florida 32801, this 12<sup>th</sup> day of April 2018.

/s/ Justin M. Luna

Justin M. Luna, Esq.

Label Matrix for local noticing  
113A-3  
Case 3:18-bk-01164-JAF  
Middle District of Florida  
Jacksonville  
Thu Apr 12 14:20:42 EDT 2018

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